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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,679	01/11/2002	Carlos Fradera Pellicer	31799/242724	8401
826	7590	05/18/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,679	Applicant(s) PELLICER, CARLOS FRADERA	
	Examiner Nahid Amiri	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49 and 54 is/are allowed.
- 6) ☒ Claim(s) 33,35-38,45 and 53 is/are rejected.
- 7) ☒ Claim(s) 39-44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear if applicant is claiming the combination of slab with latticework support structure or subcombination which is a slab since applicant by having word "adapted to" applicant is not claiming the latticework support structure. Therefore, the examiner will examine the claim as a subcombination.

Claim Rejections - 35 USC § 103

Claims 33, 35 and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,526,629 Canvaness in view of US Patent No. 1,597,373 Grimm.

In regard to claim 33: Canvaness discloses the claimed invention Fig. 4, building 20 with slab 22 having reinforcement mean 40a,c with portion 46 embedded within the slab with accessible portion 44 for attaching it to frame 40e and Grimm teaches Fig.1, slab having multicolored 1,2,3 molded to visible face of the slab which is obvious to have the slab with molding pattern for different appearance.

In regard to claim 35: Cavaness discloses the claimed invention column 3, line 62-63, a panel formed from concrete material.

In regard to claim 45: Cavaness discloses the claimed invention, column 4, line 22-24, the panel 20 having frame member 40c defined the second side edge 32 at the rear 36 of the panel 20.

Claim 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness and Grimm as applied claim 33 further in view of US Patent No. 5,715,637 Hesterman et al.

In regard to claim 36: Cavaness and Grimm disclose the claimed invention except reinforcement having a channel closed and open end with opposing flanges. Hesterman teaches FIG.4, having a reinforcement 21 with opposing flanges 21A embedded into the foamed sheet with close and open end channel. It would have been obvious to modify the reinforcement of Cavaness invention with Hesterman in order to provide the reinforcement within the slab.

Claim 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness, Grimm and Hesterman et al., as applied in claim 36 further in view of US Patent No. 2,703,003 Ruppel.

In regard to claim 37: Cavaness, Grimm and Hesterman disclose the claimed invention except having reinforcement having aperture. Ruppel teaches FIG. 4, the web portion 27 having a plurality of apertures 26. It would have been obvious to provide the reinforcement with a plurality of apertures in order for concrete to permit the thickness of the panel to be built as taught by Ruppel.

Claim 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness, Grimm as applied in claim 33 further in view of US Patent No. 1,682,253 Romero et al.

In regard to claim 38: Cavaness and Grimm disclose the claimed invention except the reinforcement means having a plurality of metal section formed a frame and disposed to the slab. Romero teaches FIG. 1, the reinforcement having a plurality of metal section formed into frame 10 wherein disposed to slab 11. It would have been obvious to modify the reinforcement of the Cavaness's invention with frame reinforcement of the Romero in order to create the individual block section on outer face of structure for unique appearance.

Allowable Subject Matter

Claims 39-44 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 49 stand allowed.

Claim 54 is allowed.

Response to Arguments

Applicant's arguments filed 18 February 2004 have been fully considered but they are not persuasive.

In regard to applicant's remark that by adding the limitation of claim 41 to claim 33 placing the claim in allowable condition is not accurate, as stated above in 112 rejection it is not clear if applicant is claiming the combination of slab with lattice support structure or just subcombination which is a slab and since examiner examining the claim as subcombination therefore, the phrase "the outwardly of the other face of the slab as the outwardly accessible and operably engage a corresponding spine defined by the latticework support structure when the panel is attached thereto" it is functional statement and examiner does not consider it as a claim limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3635

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9326. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na *na*

May 13, 2003


Carl D. Friedman
Supervisory Patent Examiner
Group 3600